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SENATE BILL 525

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE ELEMENTS OF STATUTES  
REGARDING ARSON; PROVIDING PENALTIES; AMENDING SECTIONS OF THE  
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-17-5 NMSA 1978 (being Laws 1970,  
Chapter 39, Section 1) is amended to read:

"30-17-5. ARSON AND NEGLIGENT ARSON. - -

A. Arson consists of a person maliciously or  
willfully: [~~starting a fire or causing an explosion with the  
purpose of destroying or damaging any building, occupied  
structure or property of another, or bridge, utility line,  
fence or sign; or with the purpose of destroying or damaging  
any property, whether the person's own or another's, to collect  
insurance for such loss.~~]

underscored material = new  
[bracketed material] = delete

1                   (1) setting fire to or burning, in whole or in  
2 part, real property or personal property;

3                   (2) using an explosive device or an explosive  
4 substance to destroy or cause to be burned or destroyed, in  
5 whole or in part, the real property or personal property of  
6 another person; or

7                   (3) setting fire to or burning, with the  
8 purpose of destroying or damaging real property or personal  
9 property, whether the person's own property or the property of  
10 another person, in order to collect insurance money for the  
11 property loss.

12                   [(-1)] B. Whoever commits arson when the value of  
13 the [thing] property destroyed or damaged is one hundred  
14 dollars (\$100) or less is guilty of a petty misdemeanor.

15                   [(-2)] C. Whoever commits arson when the value of  
16 the [thing] property destroyed or damaged is over one hundred  
17 dollars (\$100) but not more than [~~one thousand dollars (\$1,000)~~  
18 ~~is guilty of a fourth degree felony~~] two hundred fifty dollars  
19 (\$250) is guilty of a misdemeanor.

20                   [(-3)] D. Whoever commits arson when the value of  
21 the [thing] property destroyed or damaged [~~exceeds one thousand~~  
22 ~~dollars (\$1,000) is guilty of a third degree felony~~] is over  
23 two hundred fifty dollars (\$250) but not more than two thousand  
24 five hundred dollars (\$2,500) is guilty of a fourth degree  
25 felony.

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underscored material = new  
[bracketed material] = delete

1           ~~[B. Negligent arson consists of recklessly starting~~  
2 ~~a fire or causing an explosion, whether on the person's~~  
3 ~~property or another's, and thereby directly causing the death~~  
4 ~~or bodily injury of another; or damaging or destroying a~~  
5 ~~building or occupied structure of another.~~

6           ~~Whoever commits negligent arson is guilty of a fourth~~  
7 ~~degree felony.~~

8           ~~C. As used in this section, "occupied structure"~~  
9 ~~includes a boat, trailer, car, airplane, structure or place~~  
10 ~~adapted for the transportation or storage of property or for~~  
11 ~~overnight accommodations of persons or for carrying on business~~  
12 ~~therein, whether or not a person is actually present.]~~

13           E. Whoever commits arson when the value of the  
14 property destroyed or damaged is over two thousand five hundred  
15 dollars (\$2,500) but not more than twenty thousand dollars  
16 (\$20,000) is guilty of a third degree felony.

17           F. Whoever commits arson when the value of the  
18 property destroyed or damaged is over twenty thousand dollars  
19 (\$20,000) is guilty of a second degree felony.

20           G. Negligent arson in the third degree consists of  
21 a person recklessly starting a fire or causing an explosion,  
22 whether on the personal or real property of the person or on  
23 the personal or real property of another person, and directly  
24 causing death or great bodily harm to another person.

25           H. Whoever commits negligent arson in the third

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[bracketed material] = delete

1 degree is guilty of a third degree felony.

2 I. Negligent arson in the fourth degree consists of  
3 a person recklessly starting a fire or causing an explosion,  
4 whether on the personal or real property of the person or on  
5 the personal or real property of another person, when the value  
6 of the property destroyed or damaged is two thousand five  
7 hundred dollars (\$2,500) or more.

8 J. Whoever commits negligent arson in the fourth  
9 degree is guilty of a fourth degree felony.

10 K. Negligent arson consists of a person recklessly  
11 starting a fire or causing an explosion, whether on the  
12 personal or real property of the person or on the personal or  
13 real property of another person, when the value of the  
14 property destroyed or damaged is less than two thousand five  
15 hundred dollars (\$2,500).

16 L. Whoever commits negligent arson is guilty of a  
17 misdemeanor.

18 M. As used in this section, "recklessly" means  
19 acting with willful disregard for the rights or safety of  
20 others and in a manner that endangers another person or real or  
21 personal property."

22 Section 2. Section 30-17-6 NMSA 1978 (being Laws 1963,  
23 Chapter 303, Section 17-6) is amended to read:

24 "30-17-6. AGGRAVATED ARSON. --

25 A. Aggravated arson in the second degree consists

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[bracketed material] = delete

1 of ~~[the wilful or malicious damaging by any explosive substance~~  
2 ~~or the wilful or malicious setting fire to any bridge,~~  
3 ~~aircraft, watercraft, vehicle, pipe line, utility line,~~  
4 ~~communication line or structure, railway structure, private or~~  
5 ~~public building, dwelling or other structure, causing a person~~  
6 ~~great bodily harm.~~

7 ~~Whoever commits aggravated arson is guilty of a second~~  
8 ~~degree felony]~~ a person maliciously and willfully setting a  
9 fire or causing an explosion that results in great bodily harm  
10 to another person.

11 B. Whoever commits aggravated arson in the second  
12 degree is guilty of a second degree felony.

13 C. Aggravated arson in the third degree consists of  
14 a person maliciously and willfully setting a fire or causing an  
15 explosion that results in temporary, painful disfigurement to  
16 another person or results in an impairment to the functions of  
17 a member or an organ of another person's body.

18 D. Whoever commits aggravated arson in the third  
19 degree is guilty of a third degree felony."

20 Section 3. EFFECTIVE DATE. --The effective date of the  
21 provisions of this act is July 1, 2003.